



**6712-01**

**FEDERAL COMMUNICATIONS COMMISSION**

**[OMB 3060-0600 and OMB 3060-0995]**

**Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN FEDERAL REGISTER]**. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

**OMB Control Number:** 3060-0600.

**Title:** Application to Participate in an FCC Auction, FCC Form 175.

**Form Number:** FCC Form 175.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

**Estimated Number of Respondents and Responses:** 500 respondents and 500 responses.

**Estimated Time Per Response:** 90 minutes.

**Frequency of Response:** On occasion reporting requirement.

**Obligation to Respond:** Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 154(i) and 309(j)(5) of the Communications Act, as amended, 47 U.S.C. sections 4(i), 309(j)(5), and sections 1.2105, 1.2110, 1.2112 of the Commission's rules, 47 CFR 1.2105, 1.2110, 1.2112.

**Estimated Total Annual Burden:** 750 hours.

**Total Annual Costs:** None.

**Nature and Extent of Confidentiality:** Information collected on FCC Form 175 is made available for public inspection, and the Commission is not requesting that respondents submit confidential information on FCC Form 175. Respondents seeking to have information collected on FCC Form 175 withheld from public inspection may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR section 0.459.

**Privacy Act Impact Assessment:** No impact(s).

**Needs and Uses:** A request for extension of this information collection (no change in requirements) will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from OMB.

The Commission's auction rules and related requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing process, and enhance the use of competitive bidding to assign Commission licenses in furtherance of the public interest. The information collected on FCC Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction.

Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on FCC Form 175 to determine whether the applicant is eligible for the status requested. Commission staff reviews the information collected on FCC Form 175 for a particular auction as part of the pre-auction process, prior to the auction being held.

Staff determines whether each applicant satisfies the Commission's requirements to participate in the auction and, if applicable, is eligible for the status as a particular type of auction participant it requested.

Without the information collected on FCC Form 175, the Commission will not be able to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction and has complied with the various applicable regulatory and statutory auction requirements for such participation.

The Commission plans to continue to use the FCC Form 175 for its upcoming non-reverse spectrum auctions, including the forward auction component of any incentive auction, collecting only the information necessary for each particular auction.

**OMB Control Number:** 3060-0995.

**Title:** Section 1.2105(c), Bidding Application and Certification Procedures; Sections 1.2105(c) and 1.2205, Prohibition of Certain Communications.

**Form Number:** N/A.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

**Estimated Number of Respondents and Responses:** 10 respondents and 10 responses.

**Estimated Time Per Response:** 1.5 hours to 2 hours.

**Frequency of Response:** On occasion reporting requirement.

**Obligation to Respond:** Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 154(i), 309(j), and 1452(a)(3) of the Communications Act, as amended, 47 USC 4(i), 309(j)(5), 1452(a)(3), and sections 1.2105(c) and 1.2205 of the Commission's rules, 47 CFR 1.2105(c), 1.2205.

**Estimated Total Annual Burden:** 50 hours.

**Total Annual Costs:** \$9,000.

**Nature and Extent of Confidentiality:** The Commission will take all reasonable steps to protect the confidentiality of all Commission-held data of a reverse broadcast incentive auction applicant consistent with the confidentiality requirements of the Spectrum Act and the Commission's rules. See 47 USC 1452(a)(3); 47 CFR 1.2206. In addition, to the extent necessary, auction applicants and other covered parties may request confidential treatment pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459, for any report of a prohibited communication submitted to the Commission that is not already being treated as confidential.

**Privacy Act Impact Assessment:** No impact(s).

**Needs and Uses:** A request for extension of this information collection (no change in requirements) will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from OMB.

The Commission's rules prohibiting certain communications in Commission auctions are designed to reinforce existing antitrust laws, facilitate detection of collusive conduct, and deter anticompetitive behavior, without being so strict as to discourage pro-competitive arrangements between auction participants. They also help assure participants that the auction process will be fair and objective, and not

subject to collusion. The information collected under this information collection allows the Commission to enforce the prohibition on auction applicants and other covered parties by making clear the responsibility of parties who receive information that potentially violates the rules to promptly report to the Commission. It also enables the Commission to ensure that no bidder gains an unfair advantage over other bidders in its auctions, thereby enhancing the competitiveness and fairness of Commission spectrum auctions. The information collected will be reviewed and, if warranted, referred to the Commission's Enforcement Bureau for possible investigation and administrative action. The Commission may also refer allegations of anticompetitive auction conduct to the Department of Justice for investigation.

**Federal Communications Commission.**

**Marlene Dortch,**

Secretary,

Office of the Secretary.

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